

Filed: May 5, 1997

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-2671
(CA-96-1476-6-20AK)

Juanita Mays,

Plaintiff - Appellant,

versus

Millie Lewis Modeling, et al,

Defendants - Appellees.

O R D E R

The Court amends its opinion filed April 2, 1997, as follows:

On page 2, first full paragraph, lines 6-7 -- the phrase in brackets is deleted.

For the Court - By Direction

/s/ Patricia S. Connor

Clerk

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-2671

JUANITA MAYS,

Plaintiff - Appellant,

versus

MILLIE LEWIS MODELING; BARBARA CORELL, Director,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., District Judge. (CA-96-1476-6-20AK)

Submitted: March 27, 1997

Decided: April 2, 1997

Before RUSSELL, LUTTIG, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Juanita Mays, Appellant Pro Se. Fred W. Suggs, Jr., Janet Quick Lewis, OGLETREE, DEAKINS, NASH, SMOAK & STEWART, Greenville, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant filed an untimely notice of appeal. We dismiss for lack of jurisdiction. The time periods for filing notices of appeal are governed by Fed. R. App. P. 4. These periods are "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). Parties to civil actions have thirty days within which to file in the district court notices of appeal from judgments or final orders. Fed. R. App. P. 4(a)(1). The only exceptions to the appeal period are when the district court extends the time to appeal under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6).

The district court entered its order on October 8, 1996; Appellant's notice of appeal was filed on November 8, 1996. Appellant's failure to note a timely appeal or obtain an extension of the appeal period leaves this court without jurisdiction to consider the merits of Appellant's appeal. We therefore grant Appellees' motion to dismiss and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED